

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION

RONALD E. HOUSTON, et al.       )  
  )  
                  Plaintiffs,       )  
  )  
                  vs.                )  
  )  
URS CORPORATION, et al.,       )  
  )  
                  Defendants.       )  
  )  
\_\_\_\_\_  
  )

**Civil Action No. 1:P08cv0203  
(LO/JFA)**

**DECLARATION OF PLAINTIFF JOSEPH LOMASCOLO IN SUPPORT OF  
PLAINTIFFS' RESPONSE TO DEFENDANTS PARSONS BRINCKERHOFF,  
INC.'S AND ALLTECH, INC.'S OPPOSITION TO PLAINTIFFS' MOTION TO  
CERTIFY COLLECTIVE ACTION PURSUANT TO FEDERAL  
LABOR STANDARDS ACT §216(b)**

I, JOSEPH LOMASCOLO, declare and state as follows:

1. I am an adult and a plaintiff in the above-entitled action and have personal knowledge of the facts set forth herein and could and would competently testify to said facts if called upon to do so. I declare under penalty of perjury under the laws of the United States that the contents of this Declaration are true and correct.

2. Within the past three years I have been employed by Alltech, Inc. (which I understand is a wholly-owned subsidiary of Parsons Brinckerhoff, Inc.) as a federal disaster

housing inspector. I worked for Parsons/Alltech as a housing inspector from August 2004 until March 2007.

3. While working for Parsons/Alltech, it was my job to report to federally declared disaster sites and conduct numerous housing inspections. Like all Parsons/Alltech disaster inspectors, I was designated by Parsons/Alltech as an independent contractor and paid per inspection. Within the last three years, and throughout my employment with Parsons/Alltech I regularly worked many hours over eight hours per day, and I regularly worked many hours for over 40 hours per week. I was never paid any overtime compensation.

4. As a federal disaster housing inspector working for Parsons/Alltech, I was required to conduct my inspections in strict compliance with certain Federal Emergency Management Agency (FEMA) policies, procedures and guidelines which were made known to me through employer training and instruction, and through the employer website. While serving as a housing inspector, PB/Alltech gave me a hand-held computer loaded with special inspection software called NEMIS (National Emergency Management Information System). Basically, following the FEMA disaster site specific guidelines provided to me by my employer (which were essentially an information-gathering checklist), I filled in the blanks as required by the software (recording victim information and the damage and losses I observed). I then would electronically transfer the completed information to my employer Parsons/Alltech. All inspectors were required to follow the same procedure for conducting

inspections. These general fill-in-the-blank damage and loss recording procedures did not change from disaster site to another. Inspections were rejected if they were not performed in strict compliance with the guidelines called for by the NEMIS software program and the guidelines provided to me by the employer.

5. Attached hereto as Exhibits 1 and 2 are the Parsons/Alltech "FEMA Inspector Orientation Manual" and "FEMA Inspector Reference Manual." These documents outline the requirements for conducting federal disaster housing inspections for Parsons/Alltech.

6. In January 2007 I applied for unemployment compensation in the State of Pennsylvania with respect to my work for Parsons/Alltech. Over the opposition of Parsons/Alltech, the State of Pennsylvania determined that I was actually an employee of Parsons/Alltech while serving as a federal disaster housing inspector. (See Exhibit 4 to Declaration of Richard P. Kinnan in Support of Motion for Order Certifying Case as a Collective Action Under the Fair Labor Standards Act 29 U.S.C. § 216(b)).

7. I have chosen to file suit against Parsons/Alltech for misclassifying me as an independent contractor rather than employee and denying me my right to overtime compensation under the Fair Labor Standards Act. I have further chosen to serve as a representative plaintiff on behalf of all my fellow federal disaster housing inspectors working

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for Parsons/Alltech who did the exact same job as me and were similarly denied rightful overtime compensation under the Fair Labor Standards Act.

Executed on June 23, 2008 at Hawnee, PA.

  
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JOSEPH LOMASCOLO

**CERTIFICATE OF SERVICE**

I hereby certify that on the 27<sup>th</sup> day of June, 2008, I will electronically file the foregoing Declaration of Plaintiff Joseph Lomascolo in Support of Plaintiffs' Response to Defendants' Opposition to Motion Certifying the Case as a Collective Action Under the Fair Labor Standards Act, 29 U.S.C. 216(b) with the Clerk of the Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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And I hereby certify that I will mail the foregoing Declaration of Plaintiff Joseph Lomascolo

by U.S. Mail to the following non-filing users:

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